

REMARKS

Claims 1-20 and 35-38 are pending in the application. By this Amendment Applicant has amended claims 1, 9 and 35.

Claim Rejections Under 35 U.S.C. §101

In the above Office Action the Examiner has rejected claims 35-38 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has amended claim 35 to recite structure in addition to the software-related claim elements previously presented. Accordingly, Applicant respectfully requests withdrawal of the outstanding rejection under 35 U.S.C. §101.

Claim Rejection Under 35 U.S.C. §112

The Examiner has rejected claim 9 under 35 U.S.C. §112 as being indefinite. In particular, the Examiner has indicated that the phrase “wherein the protocol stack postpones freeing of storage ...”. Claim 9 has been amended to clarify that the claimed “storage” is part of memory associated the protocol stack. Accordingly, Applicant respectfully submits that appropriate antecedent basis exists for the elements of claim 9.

Claim Rejections Under 35 U.S.C. §102

In the above Office Action the Examiner has rejected claims 1-20 and 35-38 under 35 U.S.C. §102(e) as being anticipated by Eydelman (U.S. Patent Application Publication No. 2002/0007420).

As currently amended the claims reflect that an application determines which transfer mode (i.e., push or pull) is used through generation of an input notification event. This contrasts with the Eydelman system in which an opposite approach is used; namely, transport providers (alleged to correspond to the “protocol stack” of the claimed invention) decide which mode to use. See, e.g., Eydelman at [0029] – [0030].

Accordingly, Applicant respectfully requests reconsideration of the outstanding rejection under 35 U.S.C. §102(e) in view of the prior art of record.

Applicant respectfully requests consideration of the remarks herein prior to further examination of the above-identified application. The undersigned would of course be available to discuss the present application with the Examiner if, in the opinion of the Examiner, such a discussion could lead to resolution of any outstanding issues.

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